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8
9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 TWIN PEAKS SOFTWARE INC.,

13 Plaintiff,

14 vs.

15 IBM CORPORATION,

16 Defendant.

CASE NO. 3:14-cv-03933-JST

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY CASE DEADLINES
PURSUANT TO CIVIL L.R. 6-2**

Hon. Jon S. Tigar

STIPULATED MOTION TO MODIFY THE SCHEDULING ORDER

Pursuant to Civil Local Rule 6-2, Plaintiff Twin Peaks Software Inc. (“Twin Peaks”) and Defendant International Business Machines Corporation (“IBM”), by and through their respective counsel of record hereby stipulate and request that the Court enter an order modifying certain case deadlines as set forth below. In support of this request, the parties state as follows:

WHEREAS, on January 7, 2015, the Court entered its scheduling order in this case, which set deadlines through the claim construction hearing on December 8, 2015. (Dkt. No. 29.);

WHEREAS, pursuant to the scheduling order, Twin Peaks timely served its Patent Local Rule 3-1 Disclosure of Asserted Claims and Infringement Contentions on February 9, 2015;

WHEREAS, IBM believed Twin Peaks’ infringement contentions to be deficient, and sent a letter on February 25, 2015 to Twin Peaks to that effect;

WHEREAS, on March 9, 2015, Twin Peaks responded in writing to IBM’s letter, served an Amended Disclosure of Asserted Claims, and produced additional documents to IBM pursuant to Patent Local Rule 3-2;

WHEREAS, as a result of discussions between the parties regarding these matters, Twin Peaks and IBM have agreed to jointly request that the Court briefly extend certain deadlines imposed by the scheduling order, including the deadline for IBM to serve its Patent Local Rule 3-3 Invalidity Contentions;

WHEREAS, this is the first time the parties have sought to make any modifications to the Court’s scheduling order;

WHEREAS, prior to this motion, IBM and Twin Peaks have made only one request to extend a deadline in this case. (Dkt. No. 10.);

WHEREAS, the parties’ proposed extensions do not affect the dates of the technology tutorial and claim construction hearing, nor do they reduce the time available to the Court to review materials between the conclusion of claim construction briefing and the claim construction hearing. The proposed modifications also do not affect any deadlines for filing or lodging materials with the Court;

1 WHEREAS, the parties do not believe the extension sought hereby will prejudice either
2 party or result in undue delay;

3 WHEREAS, counsel for IBM, Andrew J. Bramhall, has submitted a supporting declaration
4 with this stipulation pursuant to Civil Local Rule 6-2(a);

5 NOW THEREFORE, in consideration of the forgoing, IBM and Twin Peaks by and
6 through their undersigned counsel, hereby stipulate and request that the Court modify the
7 scheduling order as set forth in the following table:

8 Event	Scheduling Order	Proposed Schedule
9 Defendant's invalidity contentions and accompanying document production	4/6/15	5/6/2015
10 Exchange of proposed terms for construction	4/29/15	5/22/2015
11 Exchange of preliminary claim constructions and extrinsic evidence	6/10/15	6/19/2015
12 Joint claim construction and prehearing statement	7/15/15	No Change
13 Claim construction discovery cut-off	8/14/15	No Change
14 Claim construction opening brief	9/30/15	No Change
15 Claim construction responsive brief	10/21/15	No Change
16 Claim construction reply brief	10/30/15	No Change
17 Tutorial	11/17/15 2:00 p.m.	No Change
18 Claim construction hearing	12/8/15 1:30 p.m.	No Change

1 **IT IS SO STIPULATED.**

2 DATED: March 18, 2015

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4
5 By /s/ Andrew J. Bramhall

Andrew J. Bramhall

6 Attorney for Defendant International Business
7 Machines Corporation

8 DATED: March 18, 2015

HAUSFELD LLP

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10 By /s/ Bruce J. Wecker

Bruce J. Wecker

11 Attorneys for Plaintiff Twin Peaks Software Inc..
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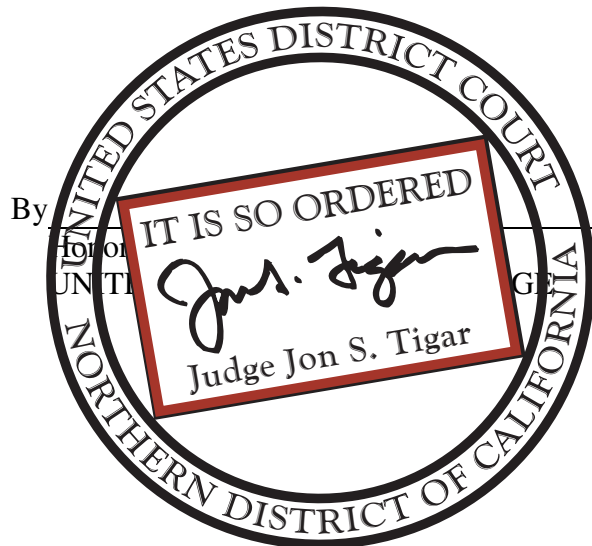
[PROPOSED] ORDER

Pursuant to the parties' stipulation, the Court modifies the Scheduling Order as follows:

Event	New Deadline
Defendant's invalidity contentions and accompanying document production	5/6/2015
Exchange of proposed terms for construction	5/22/2015
Exchange of preliminary claim constructions and extrinsic evidence	6/19/2015

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 18 2015



FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i) regarding signatures, I, Andrew J. Bramhall, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: March 18, 2015

By /s/ Andrew J. Bramhall
Andrew J. Bramhall

Attorney for Defendant International Business
Machines Corporation